



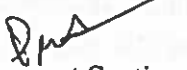
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

**MEMORANDUM**

**AUG 09 2018**

**SUBJECT:** Justification for Reduction of Stipulated Penalty for the period covering  
May 22, 2017 to March 31, 2018.  
Civil Action No.: 3:13-2429-TLW  
City of Columbia Consent Decree  
DOJ Case Number 90-5-1-1-09954

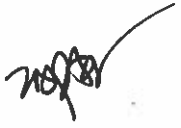
**FROM:** Richard Elliott  
Municipal & Industrial Enforcement Section

**THRU:** David Apanian, Acting Chief   
Municipal & Industrial Enforcement Section

Paul Schwartz  
Office of Water Legal Support

Glenn Trofatter (emailed for concurrence)  
Water Pollution Control Division  
South Carolina Department of Health and Environmental Control

Valerie Mann (emailed for concurrence)  
Environmental Enforcement Section  
Environment and Natural Resources Division  
U.S. Department of Justice

**TO:** Cesar A. Zapata, Deputy Director   
Water Protection Division

**Justification for Stipulated Penalty (6/29/2018)**

Paragraph 47(a) of the Consent Decree provides for each Unpermitted Discharge Event of 5,000 gallons or less, a stipulated penalty of \$250 may be assessed, if the Discharge Event occurs within 2-5 years from the date of entry and \$500 for Unpermitted Discharge Events more than 5,000 gallons are assessed at \$1,000 between 2-5 years of entry and \$2,000 more than 5 years from entry in accordance with Paragraph 47(a) of the Consent Decree.

The City of Columbia reported 153 Unpermitted Discharge Events during the period from May 22, 2017 to March 31, 2018. Of these 153 Unpermitted Discharge Events:

- There were 11 Unpermitted Discharge Events of more than 5,000 gallons within 2-5 years from the Consent Decree's Date of Entry. Stipulated penalty of \$5,500 (11 x \$500).
- There were 19 Unpermitted Discharge Events that were less than 5,000 gallons and greater than 1,000 gallons within 2-5 years from the Consent Decree's Date of Entry. Stipulated penalty of \$4,750 (19 x \$250).
- The remaining 123 Unpermitted Discharge Events were less than 1000 gallons and are subject to a stipulated penalty of \$30,750 (123 x \$250).

Unpermitted Discharge Events less than 1000 gallons are less likely to reach waters of the United States and are more easily remedied in terms of clean-up/disinfection. Therefore, the Region recommends in an exercise of discretion, not assessing stipulated penalties for these Unpermitted Discharge Events. The Region recommends assessing stipulated penalties against the City of Columbia for 30 of the Unpermitted Discharge Events as described above. As a result, the Region recommends assessing stipulated penalties totaling **\$10,250** ((11 x \$500) + (19 x \$250)) against the City of Columbia.